

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION

BOBBY BLAND, DANIEL RAY CARTER, JR.,
DAVID W. DIXON, ROBERT W. McCOY,
JOHN C. SANDHOFER, and
DEBRA H. WOODWARD,

Plaintiffs,

CASE NO.
4:11-CV-45

v.

B.J. ROBERTS, individually and in
his official capacity as Sheriff of
the City of Hampton, Virginia,

Defendant.

DEPOSITION UPON ORAL EXAMINATION
OF KENNETH P. RICHARDSON,
TAKEN ON BEHALF OF THE PLAINTIFFS

Virginia Beach, Virginia

October 12, 2011

Appearances:

PATTEN, WORNOM, HATTEN & DIAMONSTEIN, L.C.
By: JAMES H. SHOEMAKER, JR., ESQUIRE
Counsel for the Plaintiffs

PENDER & COWARD
By: JEFFREY A. HUNN, ESQUIRE
Counsel for the Defendant

<p>1 INDEX</p> <p>2</p> <p>3 DEPONENT EXAMINATION BY PAGE</p> <p>4 KENNETH P. RICHARDSON Mr. Shoemaker 3</p> <p>5</p> <p>6</p> <p>7</p> <p>8 EXHIBITS</p> <p>9 NO. DESCRIPTION PAGE</p> <p>10 None</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>4</p> <p>1 to ask that you wait until I get through asking my</p> <p>2 questions before you begin to speak, and I'll try to</p> <p>3 remember to wait until you're through with your answer</p> <p>4 before I begin to ask the next question.</p> <p>5 Sometimes people are in a rush to say what</p> <p>6 they have to say and they'll begin speaking before the</p> <p>7 other is finished. When that happens in a deposition,</p> <p>8 she can't take that down so we have to kind of make a</p> <p>9 conscious effort to slow it down and make sure each of</p> <p>10 us are through speaking before the other one starts.</p> <p>11 In addition, you've got to verbalize your</p> <p>12 answers. You can't say "uh-uh" and "uh-huh" and you</p> <p>13 can't shake your head because she can't take that down.</p> <p>14 So you have to verbalize and express your answers in a</p> <p>15 way that she can take down.</p> <p>16 Are you under any conditions or medications</p> <p>17 here today that would affect your ability to understand</p> <p>18 my questions and to answer them fully and truthfully?</p> <p>19 A. No.</p> <p>20 Q. Would you state your full name for the</p> <p>21 record, please.</p> <p>22 A. Kenneth Paul Richardson.</p> <p>23 Q. What is your home address, Major</p> <p>24 Richardson?</p> <p>25 A. 8711 Orcutt, O-R-C-U-T-T, Avenue, Hampton,</p>
<p>3</p> <p>1 Deposition upon oral examination of KENNETH</p> <p>2 P. RICHARDSON, taken on behalf of the Plaintiffs before</p> <p>3 Juanita Harris Schar, RMR, CCR, CRR, a Notary Public</p> <p>4 for the Commonwealth of Virginia at large, commencing</p> <p>5 at 1:50 p.m., on October 12, 2011, at the law offices</p> <p>6 of Pender & Coward, 222 Central Park Avenue, Suite 400,</p> <p>7 Virginia Beach, Virginia; and this in accordance with</p> <p>8 the Federal Rules of Civil Procedure.</p> <p>9 -----</p> <p>10 KENNETH P. RICHARDSON, was sworn and</p> <p>11 deposed on behalf of the Plaintiffs as follows:</p> <p>12</p> <p>13 EXAMINATION</p> <p>14 BY MR. SHOEMAKER:</p> <p>15 Q. Sir, my name is Jamie Shoemaker. I'm an</p> <p>16 attorney. I represent six plaintiffs in the Eastern</p> <p>17 District of Virginia who filed a lawsuit against</p> <p>18 Sheriff B. J. Roberts. Have you ever given a</p> <p>19 deposition before?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. So you know that deposition</p> <p>22 testimony is as formal and bears the same weight and</p> <p>23 dignity as if we were in some mahogany-walled courtroom</p> <p>24 downtown, and as a result it's important that we build</p> <p>25 as clear a record as possible. To that end, I'm going</p>	<p>5</p> <p>1 Virginia, 23666.</p> <p>2 Q. You're currently employed as a major within</p> <p>3 the Hampton sheriff's office?</p> <p>4 A. Yes, sir.</p> <p>5 Q. You don't have any other type of</p> <p>6 employment, do you?</p> <p>7 A. No, no.</p> <p>8 Q. How long have you been a major within the</p> <p>9 Hampton sheriff's office?</p> <p>10 A. About two years.</p> <p>11 Q. And prior to that you were a captain?</p> <p>12 A. Yes.</p> <p>13 Q. And do you know roughly how long you served</p> <p>14 as a captain?</p> <p>15 A. About six years.</p> <p>16 Q. And prior to that were you a lieutenant?</p> <p>17 A. Yes.</p> <p>18 Q. And prior to that a sergeant?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. How many total years do you have</p> <p>21 with the Hampton sheriff's office?</p> <p>22 A. I started employment in 1994. October.</p> <p>23 Q. All right. What did you do prior to that?</p> <p>24 A. Worked for the Virginia Department of</p> <p>25 Corrections.</p>

<p>6</p> <p>1 Q. How long were you with the Virginia 2 Department of Corrections? 3 A. About a year. 4 Q. And prior to that am I back near school yet 5 or am I still a ways off? 6 A. Worked for the Virginia Department of 7 Transportation. 8 Q. How long were you with them? 9 A. About a year. 10 Q. Am I getting close to school yet? 11 A. No. 12 Q. When did you graduate from high school? 13 A. 1980. 14 Q. Where did you go to high school? 15 A. Warwick. 16 Q. And did you have any formal education after 17 high school? 18 A. Some college. 19 Q. Does the sheriff regularly have senior 20 staff meetings at the office? 21 A. Yes. 22 Q. And who attends senior staff meetings? 23 A. Sheriff, colonel, majors, captains, 24 lieutenants. 25 Q. Lieutenants do attend?</p>	<p>8</p> <p>1 Q. Have you ever noticed Colonel Bowden 2 keeping notes or minutes of these meetings? 3 A. I'm not sure. 4 Q. Do you know if Colonel Bowden keeps a set 5 of notebooks memorializing what is said and done in 6 senior staff meetings? 7 A. I'm not sure. 8 Q. Do you use e-mail? 9 A. Yes. 10 Q. And you have your own e-mail account with 11 you as an addressee and you as a potential sender? 12 A. Yes. 13 Q. Did you have an e-mail account back in 14 2009? 15 A. I'm not sure. 16 Q. Roughly, how long have you all used e-mail 17 over there? 18 A. I'm not sure. 19 Q. Is it more than five years? 20 A. Yes. 21 Q. Unless I indicate otherwise in my question, 22 when I ask you questions today I'm referring to a 23 period -- the period of time of 2009. Unless I 24 indicate otherwise in my questioning. Okay? 25 A. Sure.</p>
<p>7</p> <p>1 A. Sometimes. 2 Q. I think one lieutenant may have said they 3 attend them and one lieutenant said they never attended 4 them. Do lieutenants attend on an as-needed basis? 5 A. Special -- special occasions. 6 Q. But captains always attend? 7 A. For the most part, yes. 8 Q. And generally majors always attend? 9 A. Yes. 10 Q. How often are these meetings held? 11 A. How often? 12 Q. How often, yeah. Do they occur with any 13 regularity? 14 A. Normally, on Tuesdays. 15 Q. And are they scheduled to last a particular 16 amount of time, or do they just last as long as they 17 need to last? 18 A. Last as long as they need to last. 19 Q. Does anyone take notes or minutes of these 20 meetings? 21 A. I think the staff all might write down 22 notes. 23 Q. Is anyone charged with keeping formal 24 minutes of these meetings? 25 A. No.</p>	<p>9</p> <p>1 Q. Now, lots of my questions won't be related 2 to time so we don't need to worry about it. 3 Did you take the basic jailer's class when 4 you were first hired in the Hampton sheriff's office? 5 A. Yes. 6 Q. And does that -- do you ever have to go 7 back for refreshers in the basic jailer's class? 8 A. In service, yes. 9 Q. How often do you have to do that? 10 A. Every two years. 11 Q. Do deputies have to go back with the same 12 frequency or do they go back more often or less often? 13 A. Same frequency. 14 Q. And when you go back every two years, how 15 long is that course? 16 A. A week. 17 Q. And is that at the -- that's at the Hampton 18 Roads Criminal Justice Training Academy? 19 A. Yes, sir. 20 Q. Have you ever attended basic law 21 enforcement -- the basic law enforcement class? 22 A. No. 23 Q. What is a master deputy? 24 A. Best that I can recall is the individual 25 has been there at least three years, that shoots I</p>

3 (Pages 6 to 9)

1 think an 80, 80 percentile on the range, no major
 2 disciplinary violations and no automobile accidents.
 3 Q. Is that all?
 4 A. That I can remember.
 5 Q. Do they have to have a certain level of
 6 evaluation before they are made a master deputy?
 7 A. I'm not sure about the specifics.
 8 Q. Do you remember there being a board they
 9 have to go in front of to become a master deputy or a
 10 test they have to take?
 11 A. I'm not sure.
 12 Q. Do you have any idea what percentage of
 13 your uniformed deputies are master deputies?
 14 A. No, I don't.
 15 Q. Do master deputies hold any sort of unique
 16 power or authority?
 17 A. No.
 18 Q. Who was responsible for hiring in the
 19 Hampton sheriff's office in 2009?
 20 A. Can you explain?
 21 Q. Was there a person within the Hampton
 22 sheriff's office who had primary responsibility for
 23 hiring new deputies in 2009?
 24 A. Are you talking about the board or the
 25 final decision?

1 Q. More things outside of the corrections
 2 arena?
 3 A. No. Within corrections.
 4 Q. When you were a captain was there a
 5 corrections major that you worked for?
 6 A. I reported at that time to Lieutenant
 7 Colonel Adams.
 8 Q. All right. He left in early 2009. Right?
 9 A. I'm not sure of the time frame, but that's
 10 who I reported to.
 11 Q. When he left did you assume his duties?
 12 A. Yes, sir.
 13 Q. Then the rank came later?
 14 A. Yes, sir.
 15 Q. Now, you mentioned the phrase "hiring
 16 boards." What is a hiring board within the Hampton
 17 sheriff's office?
 18 A. Just a panel of members who just interview
 19 potential new applicants.
 20 Q. And are there permanent members of the
 21 hiring board, or is it a committee that's formed on an
 22 as-needed basis?
 23 A. It's not a permanent board. It's just --
 24 they just select individuals who can come sit on the
 25 board.

1 Q. Okay. Fair enough. What -- let me -- I'll
 2 withdraw this. I'll come back to this.
 3 What do your duties include?
 4 A. I'm director of corrections. I'm in charge
 5 of the main jail, the annex, and intake, making sure
 6 that inmates are treated fair, and the deputies are
 7 performing their job correctly.
 8 Q. Is that the job you held in 2009?
 9 A. 2009, I could have been the captain,
 10 commander of corrections then.
 11 Q. Do you remember when you were promoted to
 12 major?
 13 A. No, sir.
 14 Q. Sheriff Roberts went through an election
 15 back in fall of 2009. Do you remember that?
 16 A. Yes.
 17 Q. Were you a captain then or a major then?
 18 A. I think I was a captain.
 19 Q. All right. And did your duties differ from
 20 the duties you have today?
 21 A. My duties increased today. Based on my --
 22 based on my rank and my position.
 23 Q. How so? How did your duties change when
 24 you went from captain to major?
 25 A. Just responsible for more things.

1 Q. And who does the selecting? Do you know?
 2 A. I'm not sure.
 3 Q. Have you ever served on a hiring board?
 4 A. Yes.
 5 Q. The hiring board does what with respect to
 6 the applicants? What do they do?
 7 A. Just interview the applicants.
 8 Q. Do they review the applicant's paperwork?
 9 A. Yes.
 10 Q. So if an -- so the applicant -- if the
 11 applicant submits an application and they submit a
 12 resumé, the hiring board will review those documents?
 13 A. I'm not sure about the resumé, but the
 14 application package, yes.
 15 Q. And then once they do that, they interview
 16 the applicants? Does the hiring board interview all
 17 the applicants?
 18 A. Yes, that I know of. Yes. Everybody comes
 19 before us.
 20 Q. So the hiring board does not weed out
 21 people they think are just not qualified for an
 22 interview? Or do they?
 23 A. I don't understand your question.
 24 Q. Well, I'm trying to get an idea of the
 25 scope of the tasks performed by the hiring board. And

1 so my general understanding right now talking to you is
2 that you will get -- the hiring board gets the
3 applications that people have submitted for a
4 particular position. And now what I'm asking is, does
5 the hiring board interview all of the applicants or do
6 they screen out some because they aren't -- they are
7 less qualified or unqualified for the job?

8 MR. HUNN: Objection, form.
9 You can answer.

10
11 BY MR. SHOEMAKER:

12 Q. You can answer.

13 A. Okay. All I -- as a hiring board, the
14 members that sit on the board, we just take the
15 application packages that we have and sit down and have
16 a one-on-one with the potential new applicant. That's
17 all we do.

18 Q. So you're not aware of any screening-out
19 process?

20 A. No.

21 Q. All right. And then once the interviews
22 are held, what does the hiring board do then?

23 A. We come to a general decision. If we think
24 the applicant is a good applicant, we will make a
25 recommendation to pass them on to the -- my supervisor.

1 A. I couldn't tell you. I don't know.

2 Q. Did you sit on any hiring boards about the
3 time of the last election?

4 A. I really couldn't tell you. I don't know.

5 Q. Have you sat on more than ten hiring
6 boards, do you think?

7 A. Yes, sir.

8 Q. And the hiring board, does it -- does it
9 issue a report when it's done with its interviews?
10 Does the hiring board create a document of any kind?

11 A. Just if -- I just need some help with this
12 question. Are you trying to -- can you just ask the
13 question over again, please?

14 Q. Does the hiring board create a document of
15 any kind memorializing their work or memorializing
16 their recommendation?

17 A. Oh, well, it's part of the package. After
18 every applicant comes through, we will recommend or not
19 recommend.

20 Q. Okay. And, typically, who were the
21 component members of a hiring board? Could it be a
22 rank-and-file deputy or -- could a rank-and-file deputy
23 be on the hiring board?

24 A. We've used sergeants, lieutenants,
25 captains, and majors.

1 Q. And so, basically, is it the hiring board's
2 mission to decide whether or not the person is a
3 reasonable candidate or qualified candidate for the job
4 or not?

5 A. Just look -- make a recommendation based on
6 what we see and what we hear.

7 Q. What exactly are you recommending when you
8 forward this recommendation on, that the person be
9 hired or that the person just be considered for hiring?

10 A. Considered for employment.

11 Q. Then the sheriff makes the ultimate
12 decision?

13 A. Yes, sir.

14 Q. And does the sheriff interview candidates
15 as well?

16 A. I think he does, yes.

17 Q. Does anyone else interview the candidates
18 other than the hiring board?

19 A. From the hiring board it goes to the
20 colonel and then, again, I think to the sheriff.

21 Q. All right. And how many hiring boards can
22 you remember having sat on?

23 A. Several.

24 Q. Did you sit on any hiring boards in 2009?
25 I know that's tough.

1 Q. But you don't remember rank-and-file
2 deputies ever being on a hiring board?

3 A. I don't recall.

4 Q. How are jobs announced? I mean, when
5 there's a vacancy that comes open, how are they
6 advertised or announced?

7 A. They're posted.

8 Q. Where are they posted?

9 A. In the break rooms.

10 Q. Are they posted anywhere else?

11 A. I think human resources.

12 Q. Are they advertised anywhere like the Daily
13 Press or Virginian-Pilot or on line?

14 A. I'm not sure.

15 Q. Have you sat on more than five hiring
16 boards in the last three years?

17 A. Yes.

18 Q. Have you sat on more than ten hiring boards
19 in the last three years?

20 A. Not sure.

21 Q. Does a major have to be on all hiring
22 boards?

23 A. No.

24 Q. I'm going to switch gears here and I'm
25 going to ask you questions about the Hampton sheriff's

1 office disciplinary process and history of discipline
 2 within the Hampton sheriff's office.
 3 There is apparently such a proceeding as a
 4 disciplinary board. Have you heard that phrase before?
 5 A. Yes.
 6 Q. Have you ever sat on the disciplinary
 7 board?
 8 A. No.
 9 Q. Do majors ever sit on disciplinary boards?
 10 A. I'm not sure.
 11 Q. Can you -- I'd like for you to recall as
 12 best you can any disciplinary boards that were convened
 13 or were held for anyone that you supervised.
 14 A. I'm sorry. Can you repeat that?
 15 Q. I want you to identify for me anybody you
 16 have supervised within the Hampton sheriff's office who
 17 has been brought before a disciplinary board.
 18 A. I'm sure they are, but I just can't recall
 19 any names right now.
 20 Q. You can't recall any?
 21 A. At this time, no.
 22 Q. Can you remember any disciplinary boards
 23 for the accidental discharge of firearms?
 24 A. No.
 25 Q. Can you remember any accidental discharges

1 A. Four or five years, yes, sir.
 2 Q. So did this first event take place probably
 3 -- do you have a better recollection now about whether
 4 or not this first accidental discharge took place after
 5 the year 2000?
 6 A. Yes, sir.
 7 Q. Okay. So it sounds like it may have taken
 8 place around 2004?
 9 A. Yes. Could have been.
 10 Q. Do you remember where this accidental
 11 discharge occurred?
 12 A. I think it was at the range.
 13 Q. My understanding is that there were two.
 14 The first one was at the range, and the second one was
 15 in the armory. Does that sound right?
 16 A. Yes, sir.
 17 Q. When the first one occurred was Lieutenant
 18 Mitchell a lieutenant then or was he a sergeant then?
 19 A. I'm not sure.
 20 Q. And when this accidental discharge occurred
 21 did he accidentally shoot himself in the hand?
 22 A. I think so.
 23 Q. And when this occurred he was -- was he
 24 director of firearms training?
 25 A. No.

1 of firearms ever having occurred?
 2 A. Yes.
 3 Q. What do you remember -- what accidental
 4 discharges of firearms do you remember having ever
 5 occurred?
 6 A. I just remember who was involved.
 7 Q. Who was involved?
 8 A. I think it was Lieutenant Mitchell.
 9 Q. And was he involved in more than one
 10 accidental discharge of a firearm?
 11 A. Yes.
 12 Q. Do you remember when the first accidental
 13 discharge occurred?
 14 A. No.
 15 Q. Was it after the year 2000?
 16 A. I don't -- I don't know.
 17 Q. Do you remember what job you were in when
 18 that first accidental discharge occurred?
 19 A. I think I was the captain. I was in
 20 command of security.
 21 Q. And so we began this by you've been a major
 22 since roughly early 2010; is that right?
 23 A. Yes, sir.
 24 Q. And you were a captain for about four years
 25 prior to that?

1 Q. What was his -- what was his role? Why was
 2 he at the range that day, if you know?
 3 A. I think he was a range officer. Or range
 4 instructor.
 5 Q. Would lieutenants normally serve as a range
 6 officer or a range instructor?
 7 MR. HUNN: Objection, form.
 8
 9 BY MR. SHOEMAKER:
 10 Q. Go ahead and answer, if you can.
 11 A. I'm not sure 'cause that falls under
 12 training.
 13 Q. Do you ever remember a lieutenant serving
 14 as a range officer or a firearms instructor?
 15 A. I'm not sure. I know we have a captain
 16 that does it.
 17 Q. Do you know if there was a disciplinary
 18 board associated with that first accidental discharge?
 19 A. I'm not sure.
 20 Q. Now, when did the second accidental
 21 discharge involving Lieutenant Mitchell take place?
 22 A. I don't recall.
 23 Q. Do you know where it occurred?
 24 A. I think it was in the armory.
 25 Q. And, apparently, on that occasion he

1 accidentally shot himself in the hand as well?
 2 A. I'm not sure where he got shot.
 3 Q. Did he get shot, do you know, on that
 4 second occasion?
 5 A. I don't know if a round went off or if he
 6 got shot. I don't know.
 7 Q. Are you aware of any other accidental
 8 discharges of firearms within the Hampton sheriff's
 9 office or by anyone who is employed by the Hampton
 10 sheriff's office?
 11 A. Not that I can recall.
 12 Q. Are you aware of any incidents where a
 13 member of the Hampton sheriff's office misplaced their
 14 weapon?
 15 A. Yes.
 16 Q. Who do you remember misplacing their
 17 weapon?
 18 A. Sergeant Ford.
 19 Q. Do you ever remember any other employees of
 20 the Hampton sheriff's office ever misplacing their
 21 weapon, other than Sergeant Ford?
 22 A. Not that I can recall.
 23 Q. Tell me about the Ford incident.
 24 A. I think all I can recall is the weapon was
 25 left unsecured in a vehicle, and -- and the officer

1 are you aware of who have been disciplined as a result
 2 of an improper or early release of a prisoner?
 3 A. Lieutenant Lewis.
 4 Q. Anyone else?
 5 A. I'm sure there are others. I just don't
 6 recall any more.
 7 Q. This is the only one you recall?
 8 A. Yes.
 9 Q. Do you remember when this occurred?
 10 A. No.
 11 Q. Do you remember what rank you were when it
 12 occurred?
 13 A. No, I don't.
 14 Q. Do you remember what rank he was when it
 15 occurred?
 16 A. No, I'm not sure.
 17 Q. What do you remember about the incident?
 18 A. I think as a supervisor, he's responsible
 19 to ensure that he reviewed the file before -- before an
 20 inmate is released.
 21 Q. Did this happen more than five years ago?
 22 A. I'm not sure.
 23 Q. It didn't happen more than ten years ago,
 24 did it?
 25 A. No, I don't think so.

1 from HPD somehow knew about it, found out, and notified
 2 my captain. I was on vacation at the time. I don't
 3 know all of the fine points of the issue.
 4 Q. Who was your captain that was notified?
 5 A. Captain Glover.
 6 Q. Is Captain Glover still with the office?
 7 A. Yes.
 8 Q. Did Sergeant Ford receive any discipline as
 9 a result of that incident?
 10 A. I don't know 'cause he worked in courts. I
 11 believe he was terminated.
 12 Q. And I can't remember whether you said or
 13 not. Are you aware of any other employees of the
 14 Hampton sheriff's office ever misplacing or losing
 15 track of their firearm?
 16 A. I don't recall any.
 17 Q. Are you aware of any other members of the
 18 Hampton sheriff's office ever misplacing or losing any
 19 equipment that was owned by the sheriff's office?
 20 A. No, sir.
 21 Q. Are you aware of any Hampton sheriff's
 22 office employees who have been disciplined as a result
 23 of the early or improper release of prisoners?
 24 A. Yes.
 25 Q. What deputies are you aware of or employees

1 Q. Was anyone else disciplined as a result of
 2 that incident?
 3 A. I'm not sure.
 4 Q. Do you remember a Deputy Rose being
 5 disciplined as a result of an early release of a
 6 prisoner?
 7 A. Sergeant Rose?
 8 Q. Sergeant Rose, yeah. Being disciplined as
 9 a result of the early release of a prisoner.
 10 A. Okay. Yes, sir.
 11 Q. What do you remember about that incident?
 12 A. I don't.
 13 Q. You just remember that it happened?
 14 A. Yeah, I do.
 15 Q. Sitting here, you don't remember any other
 16 incidents regarding the early release of a prisoner?
 17 A. Specific names, no, but I'm sure it's
 18 happened.
 19 Q. Do you remember there being an occasion
 20 when a Deputy Kemper went before a disciplinary board
 21 for a reason?
 22 A. Kemper. Are we talking about for the same
 23 issue?
 24 Q. No, I'm not sure what the issue was with
 25 Deputy Kemper. Do you remember Deputy Kemper ever

1 going before a disciplinary board?
 2 A. I don't recall.
 3 Q. Do you ever remember him receiving any
 4 discipline or suspension for a disciplinary infraction?
 5 A. Yeah. I'm sure it initiated some type of
 6 documentation. I don't know if it was a progressive or
 7 counseling or what.
 8 Q. You remember Deputy Kemper being involved
 9 in some sort of infraction that resulted in discipline;
 10 is that correct?
 11 A. Yes.
 12 Q. And you remember him being suspended?
 13 A. I don't recall that.
 14 Q. But you remember some sort of discipline
 15 being meted out to him?
 16 A. Yes, sir.
 17 Q. Is that all you remember about the incident
 18 regarding Deputy Kemper?
 19 A. Yes.
 20 Q. Just that it occurred and there was some
 21 discipline?
 22 A. Uh-huh.
 23 Q. Do you remember the nature of the incident
 24 at all?
 25 A. I'm sorry.

1 Q. You're not aware of either of them ever
 2 having gone before a disciplinary board?
 3 A. I'm not sure. I know they've been
 4 disciplined, but --
 5 Q. When you say, "I'm not sure," you mean, I
 6 have no mem -- I have no knowledge of that, sitting
 7 here?
 8 A. I just don't recall.
 9 Q. Okay. Do you remember a Deputy Rogers ever
 10 going before a disciplinary board?
 11 A. We've had male and female.
 12 Q. You've got a male Rogers and a female
 13 Rogers?
 14 A. We did have a male. He left. We have a
 15 female Rogers.
 16 Q. Do you remember either of them ever going
 17 before a disciplinary board?
 18 A. I don't believe so.
 19 Q. Do you remember their first names?
 20 A. No.
 21 Q. You don't remember either of them being
 22 suspended for some sort of disciplinary infraction?
 23 A. Not to my knowledge.
 24 Q. Do you remember Sergeant Thomas Hartman
 25 being -- going before a disciplinary board for an

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1 Q. Did it involve dishonesty?
 2 A. I don't believe that -- I'm not sure.
 3 Q. Do you remember a disciplinary incident or
 4 an occasion when Sergeant Cherry went before a
 5 disciplinary board?
 6 A. I don't recall. I -- I think she did get a
 7 violation, but I don't recall the nature of what it
 8 was.
 9 Q. Do you recall how long ago it was?
 10 A. No, I don't.
 11 Q. Do you recall whether or not she was
 12 suspended for that?
 13 A. I don't recall.
 14 Q. Do you recall Deputy Boswell going before a
 15 disciplinary board?
 16 A. I don't.
 17 Q. Do you know Kemper's first name?
 18 A. No, I don't.
 19 Q. Do you know Cherry's first name?
 20 A. No, I don't.
 21 Q. Do you know Boswell's first name?
 22 A. We have two.
 23 Q. What are the first names of those two
 24 Boswells?
 25 A. One is Mark and one is Chris.

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1 improper release?
 2 A. I remember Sergeant Hartman. I don't
 3 recall him going before a board for a release.
 4 Q. Do you recall Sergeant Hartman being
 5 disciplined for anything?
 6 A. I don't recall at this time.
 7 Q. You have no memory of anything about that?
 8 A. No.
 9 Q. Do you recall a Deputy Wiggins going before
 10 a disciplinary board for an improper release?
 11 A. Yes.
 12 Q. Do you remember Wiggins' first name?
 13 A. No, I don't.
 14 Q. What do you remember about that incident?
 15 A. I think it occurred at intake 'cause -- I
 16 believe he called me. And they had to go out and look
 17 for the inmate.
 18 Q. Did that occur in 2008?
 19 A. I'm not sure of the time frame.
 20 Q. Do you remember what happened to Wiggins as
 21 a result of that incident?
 22 A. Probably went before a disciplinary board.
 23 Q. But you don't remember sitting here what
 24 happened as a result of it?
 25 A. No.

8 (Pages 26 to 29)

1 Q. Do you remember a Lieutenant Harding ever
2 being disciplined for anything?
3 A. Harding?
4 Q. Lieutenant Harding.
5 A. No.
6 Q. There is a Lieutenant Harding, correct?
7 A. Yeah, correct.
8 Q. Do you remember a Deputy Coronado ever
9 being disciplined for anything?
10 A. No, he went to the board, I think relating
11 to the Ford issue.
12 Q. Do you remember whether or not he was
13 disciplined as a result of it?
14 A. I think he was terminated, also.
15 Q. He was terminated?
16 A. (Moved head up and down).
17 Q. All right. The Ford issue, that occurred
18 -- you think that occurred in 2010?
19 A. Could have been. Yeah.
20 Q. Do you remember a Wendell Barnwell ever
21 being -- going before a disciplinary board for
22 anything?
23 A. I think so, yes.
24 Q. What did he go before a disciplinary board
25 for?

1 A. I think he was involved with the weapon.
2 Q. With the Ford incident?
3 A. Yes, sir.
4 Q. Did you have -- did you have any role in
5 investigating that incident or determining what
6 discipline should be awarded as a result of that
7 incident?
8 A. No, sir.
9 Q. Do you remember a deputy named Michael
10 Johnson ever being disciplined for anything?
11 A. Yes, but I don't recall the issue.
12 Q. Do you recall how long ago it was?
13 A. No, I don't.
14 Q. Do you recall whether or not he was
15 terminated for the incident?
16 A. I don't know.
17 Q. Do you recall a Deputy Margaret Evans ever
18 being disciplined for anything?
19 A. Yes.
20 Q. What do you recall Deputy Margaret Evans
21 ever being disciplined for?
22 A. I don't recall the specifics, but I think
23 she went before a board, also.
24 Q. Do you remember it having something to do
25 with her being insubordinate to a Sergeant Snelling or

1 Captain McGee?
2 A. I don't recall the nature of it.
3 Q. Who reports to you? Who are your direct
4 reports?
5 MR. HUNN: Object to the form of the
6 question. Are we talking about now or 2009? I'm
7 sorry.
8 MR. SHOEMAKER: Good point.
9
10 BY MR. SHOEMAKER:
11 Q. 2009. Who reported to you in 2009?
12 A. Lieutenants. Shift commanders.
13 Q. All the shift commanders?
14 A. The four shift commanders and the jail,
15 I've got.
16 Q. Does Snelling still work for the Hampton
17 sheriff's office?
18 A. Just retired yesterday.
19 Q. Just retired yesterday.
20 Was he a lieutenant or a sergeant?
21 A. Sergeant.
22 Q. Does my mentioning Snelling's name or
23 McGee's name spark your memory at all as to a
24 disciplinary board that Margaret Evans was brought
25 before?

1 A. No.
2 Q. With respect to Evans, you remember her
3 being disciplined for something but you don't know
4 anything more than that? You don't remember anything
5 more than that?
6 A. That's correct.
7 Q. You remember a Deputy Eley being brought
8 before a disciplinary board for any infraction?
9 A. No.
10 Q. You do not?
11 A. I do not.
12 Q. Do you remember a Lieutenant John Eaton
13 ever being brought before a disciplinary board for
14 anything?
15 A. I don't recall. I don't think so.
16 Q. Do you remember a Deputy James Jones losing
17 his weapon or having his weapon stolen?
18 A. Yes.
19 Q. What do you remember about that incident?
20 A. He said somebody broke into his -- his
21 personal truck. I do believe that's what he said. And
22 he called -- he called the local police.
23 Q. I gather if somebody steals a weapon then
24 he probably wasn't disciplined?
25 A. I'm not sure because I honestly don't

1 remember.
 2 Q. Well, in that case, you remember somebody
 3 breaking into a truck and taking a weapon. Are they
 4 allowed to leave their weapons in their personal locked
 5 vehicles?
 6 A. If it's secured.
 7 Q. So the answer is yes, they are?
 8 A. Yes.
 9 Q. As long as it's locked?
 10 A. Yes.
 11 Q. Do you remember what happened in that
 12 incident? Did that -- was that weapon ever used in a
 13 crime or...?
 14 A. I don't think so.
 15 Q. Was it ever recovered; do you know?
 16 A. I don't think so.
 17 Q. Now, my understanding is the Hampton
 18 sheriff's office uses a -- employs a progressive
 19 discipline policy. Is that correct?
 20 A. Yes.
 21 Q. And could you describe for me what is meant
 22 by progressive discipline?
 23 A. It's just -- it's already -- a preprinted
 24 form that deals with minor policy violations. And it's
 25 a tracking mechanism. And once -- once you write the

1 A. No.
 2 Q. Do you ever remember any deputy ever being
 3 disciplined for an act involving dishonesty?
 4 A. I don't think we've had an issue like that
 5 come up.
 6 Q. You don't remember that ever happening?
 7 A. No.
 8 Q. You don't remember a deputy ever having
 9 been disciplined for making a false report of any kind?
 10 A. I think, yes.
 11 Q. What do you remember about that?
 12 A. I think when we did an interview with a
 13 deputy, he gave some information that was -- that I
 14 guess -- I think it proved to be incorrect.
 15 Q. Who was that deputy?
 16 A. I don't recall his name. He didn't stay
 17 with us long.
 18 Q. Was he fired as a result of that incident?
 19 A. I don't know if he was fired or if he
 20 resigned.
 21 Q. Do you ever remember any other deputies
 22 ever being disciplined for making a false statement of
 23 any kind?
 24 A. Yes. It was a female on the range.
 25 Q. Okay. And what did she say that was false?

1 policy violation, you sit down with the employee, he
 2 gets a copy, and then the rest of it is forwarded to
 3 human resources.
 4 Q. Do you remember a Deputy Pershard ever
 5 being disciplined for anything?
 6 A. I'm not sure.
 7 Q. Do you remember -- do you remember a Deputy
 8 Pershard at all?
 9 A. Vaguely.
 10 Q. Do you ever remember him being disciplined
 11 for falsifying a report?
 12 A. I don't remember the circumstances of it.
 13 Q. Do you remember a Deputy Hill ever being
 14 disciplined for apparently leaving a door open or
 15 leaving an area of the jail unsecured?
 16 A. Hill. No. I think we've had several
 17 Hills, but I still don't recall this issue.
 18 Q. Do you ever remember a deputy ever being
 19 disciplined for using inappropriate language at work?
 20 A. Inappropriate language. Can you -- I mean,
 21 can you explain further what you're trying to say or
 22 ask?
 23 Q. Well, have you -- do you ever remember a
 24 deputy ever being disciplined for using the F word at
 25 work?

1 A. Her score.
 2 Q. And who was she? Do you remember?
 3 A. I think her name was Deputy Everett. I
 4 think that's it. I'm not sure.
 5 Q. How long ago did this occur? Do you
 6 remember?
 7 A. Maybe 2007 or '8. Something like that.
 8 Q. And what discipline did she receive as a
 9 result of that incident?
 10 A. I don't know if she was fired or if she
 11 resigned.
 12 Q. But she ended up leaving?
 13 A. Yes.
 14 Q. Did she leave because of that incident; do
 15 you know?
 16 A. I'm not sure.
 17 Q. Do you remember any other incidents where
 18 deputies or any employee of the Hampton sheriff's
 19 office have been accused of making a false statement of
 20 any kind?
 21 A. I don't recall.
 22 Q. Can you remember any incidents where a
 23 deputy or any employee of the Hampton sheriff's office
 24 has been accused of mishandling or misappropriating
 25 funds?

38

40

1 A. I don't recall.
 2 Q. Can you think or remember of any incident
 3 where a deputy within the Hampton sheriff's office or
 4 any other employee within the Hampton sheriff's office
 5 has been accused of misappropriating or mishandling any
 6 property at all?
 7 A. I don't recall.
 8 Q. Do you remember an incident where a deputy
 9 was accused of taking an inmate's property?
 10 A. (Indicating.)
 11 Q. Specifically a coat. Do you remember any
 12 incident like that?
 13 A. No, I don't.
 14 Q. As head of the correctional staff, if one
 15 of your correctional officers was accused of taking an
 16 inmate's property, that's something that would stand
 17 out in your mind, isn't it?
 18 A. Sure.
 19 Q. And sitting here, you're not aware of any
 20 incidents where that issue has ever even been raised?
 21 A. I don't -- I don't recall it.
 22 Q. Do you think it has been raised, you just
 23 don't recall it sitting here today, or do you have no
 24 memory of that ever having occurred?
 25 MR. HUNN: Objection, form, asked and

1 MR. HUNN: You can -- when I object, you
 2 can still answer unless I instruct you not to.
 3 A. Okay. It could have happened. I just
 4 don't recall it right now.
 5
 6 BY MR. SHOEMAKER:
 7 Q. All right. Do you remember any Hampton
 8 sheriff's office deputies or any employees of the
 9 Hampton sheriff's office ever having been charged with
 10 DUI or DWI?
 11 A. We had one.
 12 Q. And who was that?
 13 A. I think it was Deputy Foggie.
 14 Q. How do you spell that last name?
 15 A. F-O-G-G-I-E.
 16 Q. Do you remember how long ago that was?
 17 A. Maybe about three or four years ago.
 18 Q. And what happened to him? Do you know?
 19 A. Terminated.
 20 Q. Because of the DUI?
 21 A. I guess. I don't know.
 22 Q. Do you remember any other incidents where
 23 employees of the Hampton sheriff's office or any
 24 deputies within the Hampton sheriff's office have been
 25 charged with DUI or DWI?

39

41

1 answered.
 2
 3 BY MR. SHOEMAKER:
 4 Q. Please answer the question.
 5 MR. HUNN: Again.
 6
 7 BY MR. SHOEMAKER:
 8 Q. Please answer the question.
 9 A. Can you repeat it?
 10 Q. Do you remember having -- do you have any
 11 memory of any accusation ever occurring where one of
 12 your correctional officers was accused of taking an
 13 inmate's property?
 14 MR. HUNN: Objection, same question. Form.
 15 MR. SHOEMAKER: Read back my question prior
 16 to that one.
 17
 18 (The reporter read the record.)
 19
 20 BY MR. SHOEMAKER:
 21 Q. And the answer to that is what?
 22 MR. HUNN: Objection, asked and answered.
 23
 24 BY MR. SHOEMAKER:
 25 Q. The answer is what?

1 A. I don't recall any others.
 2 Q. Do you recall any incidents where employees
 3 of the Hampton sheriff's office have ever been charged
 4 with reckless driving while driving a sheriff's office
 5 vehicle?
 6 A. No.
 7 Q. Can you recall any incidents where
 8 employees of the Hampton sheriff's office or deputies
 9 within the Hampton sheriff's office have been charged
 10 with any major traffic infraction while driving a
 11 sheriff's office vehicle?
 12 MR. HUNN: Objection, form.
 13 A. No. Not that I can recall.
 14
 15 BY MR. SHOEMAKER:
 16 Q. Can you recall any incidents where an
 17 employee of the Hampton sheriff's office has been
 18 involved in a collision driving a Hampton sheriff's
 19 office vehicle that resulted in injuries to anyone?
 20 A. No. I cannot recall.
 21 Q. Do you remember Deputy Cherry? Do you
 22 remember Deputy Cherry's first name?
 23 A. No, I don't.
 24 Q. Do you remember Deputy Cherry being
 25 involved in a car accident?

11 (Pages 38 to 41)

1 A. Yeah. Yeah. I think over at the bank.
 2 Q. What do you remember about that accident?
 3 A. Nothing. I mean, I went over there along
 4 with probably somebody who took pictures. And that was
 5 it. I'm not her immediate supervisor.
 6 Q. Okay. But why did you go over there?
 7 A. I guess 'cause they -- she called me or
 8 somebody called me so I went over there.
 9 Q. And how long ago was this?
 10 A. About maybe two -- two years. Something
 11 like that.
 12 Q. Was she disciplined for that accident? Do
 13 you know?
 14 A. I'm not sure.
 15 Q. And was somebody injured in that accident?
 16 A. I don't think so.
 17 Q. Do you remember her being made to assist in
 18 the repayment or compensation for property damage as a
 19 result of that accident?
 20 A. I wouldn't know.
 21 Q. Was she one of -- was she in your
 22 department or was she in another department?
 23 A. She was in another department.
 24 Q. Why would somebody call you as a result of
 25 an event like that, simply because you're fairly high

1 Q. Who sought that input?
 2 A. I talked to my immediate supervisor and the
 3 sheriff.
 4 Q. And who was your immediate supervisor?
 5 A. Colonel Bowden.
 6 Q. And when did she talk to you about that?
 7 A. Well, not specifically him. We just were
 8 dealing with issues in corrections.
 9 Q. Okay. And on what occasion were you
 10 dealing with this issue?
 11 A. I think basically as the term was -- end of
 12 the term was coming up.
 13 Q. And where were you when this input was
 14 solicited?
 15 A. Probably in the conference room.
 16 Q. And you gave your input there sitting in
 17 that meeting?
 18 A. Yes, 'cause I get my information from the
 19 lieutenants if we are having any issues with staff.
 20 Q. And what lieutenant reported to you that
 21 there was an issue with Danny Carter?
 22 A. I don't recall.
 23 Q. So what did you say to them about Danny
 24 Carter?
 25 A. Well, I didn't single him out. I just

1 ranking within the department?
 2 A. I guess.
 3 MR. HUNN: Objection, calls for
 4 speculation.
 5
 6 BY MR. SHOEMAKER:
 7 Q. Is that the answer?
 8 A. I don't know. I'm a major. I get calls
 9 all the time.
 10 Q. Between September 1st, 2009, and the end of
 11 2009 did anyone seek your opinion or your assessment as
 12 to whether or not Bobby Bland should be reappointed in
 13 the Hampton sheriff's office?
 14 A. No.
 15 Q. Between September 1, 2009, and the end of
 16 2009 -- well, let me go back to Bobby Bland. At any
 17 time in 2009 did anyone seek your opinion or your input
 18 or assessment as to whether or not Bobby Bland should
 19 be reappointed in the Hampton sheriff's office?
 20 A. No.
 21 Q. At any time in 2009 did anyone seek your
 22 input or assessment as to whether or not Danny Carter
 23 should be reappointed to his position within the
 24 Hampton sheriff's office?
 25 A. Yes.

1 asked are we having any disciplinary problems that we
 2 need to be made aware of.
 3 Q. So you didn't mention Danny Carter's name
 4 in that meeting?
 5 MR. HUNN: Objection, form.
 6 MR. SHOEMAKER: Wait a minute. Don't coach
 7 the witness.
 8 MR. HUNN: Objection, form, meeting. Okay?
 9 You're confusing the questions.
 10 MR. SHOEMAKER: You've got your objection.
 11 MR. HUNN: Sure. I'm not trying to be
 12 difficult.
 13
 14 BY MR. SHOEMAKER:
 15 Q. Did you mention Danny Carter's name in that
 16 meeting?
 17 MR. HUNN: Objection, form. What meeting?
 18 You are now talking about two meetings?
 19
 20 BY MR. SHOEMAKER:
 21 Q. You raised it. You said it was probably in
 22 a staff meeting where you gave input. Right?
 23 Let me start over.
 24 MR. HUNN: Sure.
 25

46

48

1 BY MR. SHOEMAKER:

2 Q. Did you ever give anyone any input or any
3 assessment as to whether or not Danny Carter should be
4 reappointed to his position within the Hampton
5 sheriff's office?

6 A. When I get information, I relay that -- I
7 relay that information to my supervisors, if we are
8 having some personnel problems.

9 Q. That doesn't answer my question at all.
10 Did you ever give anyone any input or assessment as to
11 whether or not Danny Carter should be reappointed to
12 his position within the Hampton sheriff's office?

13 A. I don't -- I don't -- if I understand you
14 correctly -- can -- all I'm saying -- can you just
15 repeat the question?

16 Q. Did you give anyone any input, any
17 recommendation, any opinion, as to whether or not Danny
18 Carter should be reappointed to his position within the
19 Hampton sheriff's office any time in late 2009?

20 MR. HUNN: Objection, form. You may
21 answer.

22 A. Okay. All I'm saying is I give my
23 supervisor information if I'm having any issues with my
24 staff.
25

1 A. I don't make -- I let my supervisor know if
2 I'm having any staffing personnel issues.

3 Q. Okay. And you don't remember, sitting
4 here, letting your supervisor know about any personnel
5 staffing issues specifically with respect to Danny
6 Carter, do you?

7 MR. HUNN: Objection, form. Sitting here?

8 A. I dealt with my staff. That's what I let
9 my supervisors know, when I was having problems with
10 any of my staff.
11

12 BY MR. SHOEMAKER:

13 Q. Did you let any of your supervisors know
14 that you were having a problem with Danny Carter?

15 A. Specifically him, no. I don't recall at
16 this time.

17 Q. Did you give any input to any of your
18 supervisors, any input or opinion or recommendation, at
19 any time in 2009 as to whether or not David Dixon
20 should be reappointed to his position within the
21 Hampton sheriff's office?

22 MR. HUNN: Objection, form.

23 A. I'm trying to think if Mr. Dixon was in
24 corrections at that time.
25

47

49

1 BY MR. SHOEMAKER:

2 Q. So the answer is you don't remember giving
3 any input about Danny Carter?

4 MR. HUNN: Objection, form. Argumentative
5 and mischaracterizes what he just told you.

6 MR. SHOEMAKER: Well, I want to know. I
7 want to know --

8 MR. HUNN: It's that easy and simple.

9 MR. SHOEMAKER: First of all, I want a yes
10 or no answer to a simple question.
11

12 BY MR. SHOEMAKER:

13 Q. Did you ever give any of your superiors any
14 input, any recommendation, or any opinion as to whether
15 or not Danny Carter should be reappointed to his
16 position within the Hampton sheriff's office?

17 MR. HUNN: Objection.

18 MR. SHOEMAKER: I understand your
19 objection.

20 MR. HUNN: Form, asked and answered.

21 THE DEPONENT: I can answer?

22 MR. HUNN: Yes, go ahead.
23

24 BY MR. SHOEMAKER:

25 Q. Yes.

1 BY MR. SHOEMAKER:

2 Q. I think he was.

3 A. Okay.

4 Q. But --

5 A. If he was, if I was having staffing
6 problems or concerns or issues with a deputy, I just
7 relayed it to my supervisor.

8 Q. But you don't recall giving any input to
9 any of your superiors, any input or opinions or
10 recommendations to your superiors in late 2009 about
11 whether or not David Dixon should be reappointed to his
12 position within the Hampton sheriff's office?

13 MR. HUNN: Objection, form.
14

15 BY MR. SHOEMAKER:

16 Q. You have to answer.

17 A. Again, I just let my supervisor know if I'm
18 having any issues with any of my personnel.

19 Q. Okay. And you do not remember -- sitting
20 here, you don't remember right now, talking to me,
21 giving your supervisors any input or recommendation in
22 late 2009 about whether or not David Dixon should be
23 reappointed to his position?

24 MR. HUNN: Objection, form.

25 A. I let my supervisors know if I was having

13 (Pages 46 to 49)

1 any staffing problems with any of my people.
 2
 3 BY MR. SHOEMAKER:
 4 Q. Okay. And sitting here, you do not
 5 remember giving your supervisors any input or opinion
 6 about whether or not David Dixon should be reappointed
 7 to his position?
 8 MR. HUNN: Objection, form.
 9 A. Again, sir --
 10
 11 BY MR. SHOEMAKER:
 12 Q. You don't remember, right?
 13 MR. HUNN: Objection, form, argumentative,
 14 asked and answered.
 15 MR. SHOEMAKER: It has not been answered.
 16
 17 BY MR. SHOEMAKER:
 18 Q. You have to answer.
 19 A. I've given you my best answer, sir.
 20 Q. The best answer is you don't remember or
 21 you didn't?
 22 MR. HUNN: I mean, I will object as
 23 argumentative and asked and answered.
 24 MR. SHOEMAKER: What was the answer to that
 25 question?

1 MR. HUNN: I'm not going to give the
 2 deposition here today, but if you're going to sit here
 3 and ask the same question three and four times and
 4 raise your voice at the witness, we're going to step
 5 out and take a break. We'll come back.
 6 MR. SHOEMAKER: I'm not raising my voice.
 7 MR. HUNN: I felt like you were.
 8 MR. SHOEMAKER: I'm not raising my voice.
 9 I'll get quieter, okay? I don't want to hurt anybody's
 10 feelings.
 11 THE DEPONENT: Can I stop and go to the
 12 bathroom for a few minutes?
 13 MR. SHOEMAKER: Sure, but I do not want you
 14 to talk to counsel.
 15 MR. HUNN: I can talk to him about anything
 16 I want to talk to him about but not the question.
 17 MR. SHOEMAKER: There's a question on the
 18 table.
 19 MR. HUNN: Answer the question before you
 20 go to the bathroom, if you can.
 21 A. Again, any staffing issues that I was
 22 having with the people under me, I let my supervisor
 23 know that I was having some problems with them.
 24
 25

1 BY MR. SHOEMAKER:
 2 Q. Okay. But right now, right now, Major,
 3 it's fair, isn't it --
 4 MR. HUNN: Time out. Do you want to take a
 5 bathroom break?
 6 You wanted him to answer the question.
 7 MR. SHOEMAKER: He has not given an answer.
 8 MR. HUNN: Do you want to take a bathroom
 9 break?
 10 THE DEPONENT: Yes, sir.
 11 MR. HUNN: You're free to have a bathroom
 12 break. I will sit here so I will not be accused of
 13 tampering with any witnesses.
 14
 15 (Recess)
 16
 17 BY MR. SHOEMAKER:
 18 Q. We're back on the record.
 19 Major, was there any time in late 2009,
 20 second half of 2009, either at a senior staff meeting
 21 or at any other time, when you gave your superiors, any
 22 of your superiors, or any one of them, any
 23 recommendation, opinion, or input as to whether or not
 24 Deputy David Dixon should be reappointed to his
 25 position within the Hampton sheriff's office?

1 MR. HUNN: Objection, form.
 2 A. Again, any staffing problems that I had,
 3 that's what I brought to my supervisors.
 4
 5 BY MR. SHOEMAKER:
 6 Q. Did you bring staffing problems to the
 7 attention of your supervisors with respect to David
 8 Dixon?
 9 A. He could have been involved with that one,
 10 yes.
 11 Q. He could have been, but --
 12 A. Could have been.
 13 Q. -- you can't remember for sure, sitting
 14 here?
 15 A. No.
 16 Q. Okay. In the second half of 2009 either at
 17 a senior staff meeting or on any other occasion, do you
 18 ever remember giving any of your senior officers any
 19 recommendation or input as to whether Robert McCoy,
 20 Deputy Robert McCoy, should be reappointed to his
 21 position within the Hampton sheriff's office?
 22 A. Again, if we were having discipline
 23 problems, that's what I brought up to my supervisor.
 24 Q. But you don't have any specific
 25 recollection of giving a recommendation regarding

1 Robert McCoy either in the second half of 2009 or at a
 2 senior staff meeting?
 3 A. If I was having problems, I'm sure I
 4 brought it up to my supervisors.
 5 Q. But you don't remember specifically doing
 6 that, sitting here?
 7 A. He could have been.
 8 Q. He could have been, but you're not sure?
 9 A. Yeah.
 10 Q. Is that right?
 11 A. 'Cause I -- again, I was having problems
 12 with several officers.
 13 Q. Okay.
 14 A. And I'm pretty sure...
 15 Q. You're pretty sure what?
 16 A. Can I finish my question?
 17 Q. You mean your answer?
 18 A. My answer.
 19 Q. Okay.
 20 A. If I was having -- again, if I was having
 21 problems -- because there were several guys that
 22 weren't reappointed -- I just bring the information on
 23 to my supervisor.
 24 Q. And you would have gotten this information
 25 from one of your lieutenants?

1 A. Lieutenants and my interaction with my
 2 staff.
 3 Q. Who were your lieutenants in December -- in
 4 November and December of 2009?
 5 A. Lieutenant Mitchell was one. Lieutenant
 6 Cooke. Lieutenant Lewis. And I don't recall who the
 7 fourth one was.
 8 Q. So your lieutenants were Mitchell, Cooke,
 9 and Lewis, and you don't remember who the fourth one
 10 was?
 11 A. Dean was the fourth one.
 12 Q. Do you remember hearing about an incident
 13 between David Dixon and Frances Pope at the polls in
 14 November of 2009?
 15 A. No.
 16 Q. Have you ever solicited any sheriff's
 17 office employees or deputies for support for the
 18 sheriff's reelection efforts?
 19 A. No.
 20 Q. Have you ever asked Hampton sheriff's
 21 office deputies or employees to sell tickets to a golf
 22 tournament for the sheriff?
 23 A. Yes.
 24 Q. And how often have you done that?
 25 A. Probably once a year.

1 Q. And how would you go about doing that?
 2 A. Just issue -- we have a roster, and I just
 3 give everybody five tickets and just ask them to go
 4 ahead and sell the tickets for me.
 5 Q. And where would you do this, at shift
 6 change meetings?
 7 A. Like this year we just did everything
 8 outside in the parking lot. We were never inside the
 9 building.
 10 Q. You never did it inside the building?
 11 A. I said this year.
 12 Q. Okay. What about in 2008?
 13 A. I think in the past, yeah. And I've done
 14 it because I was just getting started. And I -- I was
 15 responsible for that.
 16 Q. And in past years you've done it at shift
 17 change meetings?
 18 A. Could have been. I'm not sure.
 19 Q. In past years you've done it in the
 20 buildings?
 21 A. Yes.
 22 Q. And it's your testimony here under oath
 23 today that the only times you did it in 2009 was in the
 24 parking lot?
 25 A. Yes.

1 Q. Is that parking lot not the sheriff's
 2 property?
 3 A. I'm assuming it's city property.
 4 Q. So in 2009 when you did it, you did it in a
 5 city parking lot?
 6 A. Are we talking about 2009 or...?
 7 Q. My question right now is about when you
 8 solicited employees to sell golf tournament tickets for
 9 you, you told me you did it in the parking lot. What
 10 parking lot were you doing it in?
 11 MR. HUNN: Objection to form,
 12 mischaracterizes the testimony regarding soliciting.
 13 That's not what he said.
 14
 15 BY MR. SHOEMAKER:
 16 Q. Okay. When you were asking deputies to
 17 take responsibility for selling tickets to the
 18 sheriff's golf tournament, you said you were doing that
 19 in a parking lot, and I gather you meant the parking
 20 lot right outside the sheriff's office? Right outside
 21 of the annex or the downtown jail?
 22 MR. HUNN: Objection to form.
 23
 24 BY MR. SHOEMAKER:
 25 Q. Which parking lots were you referring to?

58

60

1 MR. HUNN: Objection to form.
 2
 3 BY MR. SHOEMAKER:
 4 Q. You have to answer the question. Which
 5 parking lot?
 6 A. What year are we talking about?
 7 Q. I'm talking about 2009.
 8 A. I might have did it in the building.
 9 Q. So at some point after 2009 you started
 10 just doing it outside of the building?
 11 A. Yes, sir.
 12 Q. Did you support the sheriff's campaign for
 13 sheriff in any other way other than the support of the
 14 golf tournament we just talked about?
 15 A. Literature drop.
 16 Q. And what would be -- what would you do to
 17 help him with literature drops?
 18 A. Just pass out his information. Normally on
 19 the weekends.
 20 Q. And where would you pass out his
 21 information?
 22 A. It varied.
 23 Q. Give me some examples of where you passed
 24 out the information.
 25 A. Different neighborhoods within Hampton.

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61

1 Q. Do you ever remember there being an
 2 incident where Debbie Woodward had a problem with the
 3 fact that a Lieutenant Perkins or Sergeant Perkins was
 4 getting signatures on a petition and Perkins was not a
 5 resident of Hampton? Do you remember anything like
 6 that?
 7 A. No.
 8 Q. Do you remember any incident where there
 9 was a person who was not a resident of Hampton passing
 10 around or getting employees to sign a petition and
 11 there being an issue made of that?
 12 A. No.
 13 Q. Other than the literature drops and your
 14 work regarding the tickets with the golf tournament,
 15 what other ways did you work to support the sheriff's
 16 reelection back in 2009?
 17 A. Probably just put up signs.
 18 Q. And where would you put up signs?
 19 A. Wherever people allowed us to put up signs.
 20 Q. Did you ever get deputies to help you put
 21 up signs?
 22 A. I'm sure we asked them for their help.
 23 Q. Did you work the polls on election day?
 24 A. You talking about this year?
 25 Q. No, 2009.

1 A. I'm pretty sure I did.
 2 Q. Did you do anything else to help the
 3 sheriff's reelection efforts in 2009, other than work
 4 the polls, help get out signs, literature drops, and
 5 the golf tournament?
 6 A. Probably seek volunteers to come out and
 7 help pass out literature at the different locations,
 8 polling sites.
 9 Q. And you would seek volunteers from within
 10 the Hampton sheriff's office?
 11 A. And outside, outside, too.
 12 Q. Okay. Did you ever speak to employees in
 13 an effort to obtain their support for the sheriff in
 14 his reelection efforts in 2009?
 15 A. No.
 16 Q. Were you ever present when any other
 17 officers at the rank of lieutenant or above ever spoke
 18 to Hampton sheriff's office employees in an effort to
 19 get them to vote for B. J. Roberts in 2009?
 20 A. No, I've never heard that.
 21 Q. Did you attend any shift change meetings in
 22 2009 at which the sheriff spoke about the election?
 23 A. Probably.
 24 Q. Do you have any recollection, specific
 25 recollection of that, sitting here today?

1 A. No.
 2 Q. So sitting here today, you do not remember
 3 what the sheriff said to his employees at any shift
 4 change meeting about his reelection campaign in 2009?
 5 A. No.
 6 Q. Do you have a general recollection -- it
 7 sounds like you have a general recollection of the
 8 sheriff speaking to employees during at least one shift
 9 change meeting in the fall of 2009, or late summer of
 10 2009?
 11 A. No.
 12 Q. You don't even have a general recollection
 13 of it?
 14 A. Well, 2009, like 2010, '11, he just goes
 15 and just asks for your support. That's about it.
 16 Q. Do you remember that happening in late
 17 summer or fall of 2009?
 18 A. No.
 19 Q. Do you remember the sheriff ever giving a
 20 talk in which he was discussing an upcoming campaign
 21 and in which he used the phrases "long train" -- quote,
 22 "long train," end quote, or, quote, "short train," end
 23 quote?
 24 A. This year.
 25 Q. This year he did that?

16 (Pages 58 to 61)

1 A. Yes, sir.
 2 Q. In 2011?
 3 A. I'm sorry. Yeah, it was 2009. You're
 4 right.
 5 Q. In 2009?
 6 A. Yeah.
 7 Q. What did he say?
 8 A. Just the way I took it, it was that he was
 9 asking for your support, and as far as the train
 10 portion, it's kind of cloudy because I never heard it
 11 before, but he was just asking for everybody's support.
 12 Q. Well, he talked about employees being able
 13 to get on a long train or get on a short train,
 14 correct?
 15 MR. HUNN: Objection, form.
 16
 17 BY MR. SHOEMAKER:
 18 Q. Didn't he mention that in his talk?
 19 A. He mentioned -- all I remember is the train
 20 portion. He went there just asking for support.
 21 Q. Do you remember him saying anything to the
 22 effect of: You can get on the long train or you can
 23 get on the short train?
 24 Do you remember that?
 25 A. I don't.

1 Q. You remember when you learned of it?
 2 A. Could have been end of the year. I'm not
 3 sure.
 4 Q. Did you take a look at Adams' campaign
 5 Facebook site to check it out yourself?
 6 A. I think I did.
 7 Q. Did you talk to Colonel Bowden about the
 8 fact that McCoy and Carter were on Jim Adams' campaign
 9 Facebook site?
 10 A. I don't think so.
 11 Q. Did you talk to Major Wells-Major about the
 12 fact that McCoy and Carter were on Adams' campaign
 13 Facebook site?
 14 A. I don't think so.
 15 Q. And is it fair to say that you could have
 16 learned about this some time in late summer of 2009 or
 17 you could have learned about it at the very end of
 18 2009?
 19 MR. HUNN: Objection, form.
 20 A. I don't know the time frame.
 21 MR. SHOEMAKER: Okay. I want to take a
 22 short break.
 23 MR. HUNN: Okay.
 24
 25 (Recess)

1 Q. Have you told me everything you remember
 2 about what the sheriff said on that occasion when he
 3 talked about the long train and the short train?
 4 A. I have.
 5 Q. Did there come a time when you learned that
 6 Deputy Carter and Deputy McCoy were on Jim Adams'
 7 campaign Facebook site?
 8 A. Say it again. I'm sorry.
 9 Q. Did there come a time in 2009 when you
 10 learned that Deputies Carter and McCoy were on Jim
 11 Adams' campaign Facebook site?
 12 A. Yes, sir.
 13 Q. And how did you learn about that?
 14 A. I think in passing somebody might have told
 15 me.
 16 Q. Did the sheriff mention that at the meeting
 17 in which he talked about the long train and the short
 18 train?
 19 A. I don't believe so.
 20 Q. Who told you about Carter and McCoy being
 21 on the campaign Facebook site?
 22 A. I don't know.
 23 Q. You remember where you were when you
 24 learned of it?
 25 A. No, I don't.

1 BY MR. SHOEMAKER:
 2 Q. Let's go back on the record.
 3 Do you remember having any discussions with
 4 any other deputies within the Hampton sheriff's office,
 5 including deputies -- I mean is it proper -- withdraw
 6 the question.
 7 You're a deputy, right? You're just a
 8 deputy who's a major, too?
 9 A. That's correct.
 10 Q. So even somebody who holds rank like a
 11 captain or a major is a deputy?
 12 A. That's correct.
 13 Q. All right. Back to my question. Do you
 14 remember having any discussion with any other deputies,
 15 and, of course, I'm including lieutenants, sergeants,
 16 captains, majors, and the sheriff himself -- well, the
 17 sheriff is not a deputy?
 18 A. That's true.
 19 Q. Do you remember having discussions with any
 20 other deputies, including lieutenants, captains,
 21 majors, or the colonel, about the fact that Carter and
 22 McCoy were on Jim Adams' campaign Facebook site?
 23 A. I don't recall that.
 24 Q. When you went to check Adams' Facebook site
 25 yourself, do you remember confirming the fact that

66

1 McCoy and Carter were on it for anyone else?

2 A. No.

3 Q. It's fair to say, isn't it, that Sheriff

4 Roberts expected his deputies, all of his deputies, to

5 be politically loyal to him?

6 MR. HUNN: Objection, form.

7 A. I don't -- I think everybody has their own

8 opinion.

9

10 BY MR. SHOEMAKER:

11 Q. And so the sheriff did not expect -- so

12 then your answer is the sheriff -- the sheriff did not

13 expect all of his deputies to be politically loyal to

14 him? Is that correct?

15 MR. HUNN: I'm sorry. Objection, form, and

16 speculation that it calls for.

17 A. I guess he just -- how about just repeating

18 that question so I'm clear in my mind what you're

19 saying?

20

21 BY MR. SHOEMAKER:

22 Q. Okay. The sheriff did not expect all of

23 his deputies to be politically loyal to him; isn't that

24 correct?

25 MR. HUNN: Objection, form. That's

67

1 speculation.

2 A. I don't know.

3

4 BY MR. SHOEMAKER:

5 Q. Have any employees of the Hampton sheriff's

6 office told you that they posted a comment on the Daily

7 Press website in response to any of the articles about

8 this case?

9 A. No, sir, not to my knowledge.

10 Q. Have you become aware of any deputies

11 within the Hampton sheriff's office who have posted

12 comments on the Daily Press comments site in response

13 to any articles in this case?

14 A. No.

15 Q. Have you posted any comments on any Daily

16 Press comment site in response to any article on this

17 case?

18 A. No.

19 Q. Have you heard any deputy within the

20 Hampton sheriff's office with the rank of lieutenant or

21 above -- any deputy within the Hampton sheriff's office

22 with the rank of lieutenant or above ever say anything

23 like, quote, "Be sure" -- and my question is about --

24 let me withdraw the question, start over.

25 Have you heard any deputies within the

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1 Hampton sheriff's office at the rank of lieutenant or

2 above when speaking to other Hampton sheriff's office

3 employees ever say anything like, quote, "Be sure you

4 are supporting the right person," end quote?

5 MR. HUNN: Objection, form.

6 You can answer it.

7 A. I have never heard of that.

8

9 BY MR. SHOEMAKER:

10 Q. You've never heard any person at the rank

11 of lieutenant or above, any deputy of the rank of

12 lieutenant or above, ever say that to other Hampton

13 sheriff's office employees?

14 MR. HUNN: Objection to form, asked and

15 answered.

16 A. I never heard that.

17

18 BY MR. SHOEMAKER:

19 Q. Have you ever heard anything like that?

20 MR. HUNN: Objection, form, asked and

21 answered.

22 A. I haven't heard it.

23

24 BY MR. SHOEMAKER:

25 Q. Have you ever heard a statement similar to

69

1 that?

2 MR. HUNN: Objection, form.

3 A. I've never heard that.

4

5 BY MR. SHOEMAKER:

6 Q. You're not answering my question. I think

7 your answer is: I've never heard a statement like

8 that.

9 Is that fair?

10 MR. HUNN: Objection, form, asked and

11 answered.

12

13 BY MR. SHOEMAKER:

14 Q. Have you ever heard a statement like,

15 quote, "Be sure you are supporting the right person,"

16 uttered by any deputy within the Hampton sheriff's

17 office when speaking to other employees of the Hampton

18 sheriff's office?

19 MR. HUNN: Objection, form.

20 A. I have never heard that.

21

22 BY MR. SHOEMAKER:

23 Q. Have you ever heard anything like that?

24 MR. HUNN: Objection, form.

25 A. I've never heard that.

18 (Pages 66 to 69)

1 BY MR. SHOEMAKER:
 2 Q. Okay. So you've heard something like it?
 3 A. No, that's not what I said. I said I've
 4 never heard that.
 5 Q. Have you ever heard any deputy within the
 6 Hampton sheriff's office with the rank of lieutenant or
 7 above say, quote, "It is in your best interest to
 8 support the sheriff," end quote?
 9 A. I've never heard that.
 10 Q. Have you ever heard a statement similar to
 11 that uttered by a lieutenant or above within the
 12 Hampton sheriff's office?
 13 MR. HUNN: Objection, form.
 14 A. I have never heard that.
 15
 16 BY MR. SHOEMAKER:
 17 Q. And you're telling me you've never heard
 18 that exact statement?
 19 MR. HUNN: Objection, form, asked and
 20 answered.
 21 A. I've never heard that.
 22
 23 BY MR. SHOEMAKER:
 24 Q. Have you ever heard a deputy within the
 25 Hampton sheriff's office other than the sheriff himself

1 not going anywhere," end quote?
 2 A. I've never heard that.
 3 Q. Have you ever heard Major Wells-Major ever
 4 encourage any other employee of the Hampton sheriff's
 5 office to support the sheriff, the sheriff's reelection
 6 effort?
 7 MR. HUNN: Objection, form.
 8 A. I need some clarity on that one.
 9
 10 BY MR. SHOEMAKER:
 11 Q. Have you ever heard Major Wells-Major when
 12 speaking to any other employee of the Hampton sheriff's
 13 office encourage them to support the sheriff's
 14 reelection effort?
 15 MR. HUNN: Objection, form.
 16 A. No.
 17
 18 BY MR. SHOEMAKER:
 19 Q. Have you ever heard Major Wells-Major ever
 20 encourage another employee of the Hampton sheriff's
 21 office to vote for Sheriff B. J. Roberts?
 22 MR. HUNN: Objection, form.
 23 A. No.
 24
 25

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1 ever encourage other Hampton sheriff's office employees
 2 to vote for the sheriff?
 3 MR. HUNN: Objection, form.
 4 A. No.
 5
 6 BY MR. SHOEMAKER:
 7 Q. You've never heard that?
 8 MR. HUNN: Objection, form, asked and
 9 answered.
 10 A. I've never heard it, no.
 11
 12 BY MR. SHOEMAKER:
 13 Q. Have you ever heard a deputy within the
 14 Hampton sheriff's office at the rank of lieutenant or
 15 above ever say to other employees of the Hampton
 16 sheriff's office, quote, "Supporting the sheriff could
 17 help you or hurt you," end quote?
 18 A. Never heard that.
 19 Q. You ever heard anything like that?
 20 MR. HUNN: Objection, form.
 21 A. I've never heard that.
 22
 23 BY MR. SHOEMAKER:
 24 Q. Have you ever heard Major Wells-Major ever
 25 say, quote, "If you don't support the sheriff, you're

73

1 BY MR. SHOEMAKER:
 2 Q. When -- back to the event where the sheriff
 3 mentioned the long train and the short train and was,
 4 you know, saying he was up for reelection in November,
 5 and the discussion we were talking about before, on
 6 that occasion did the sheriff say something like,
 7 quote, "This is a bad economy and people are knocking
 8 down my door for these jobs," end quote?
 9 MR. HUNN: Objection, form, also
 10 mischaracterizes previous testimony.
 11 A. I don't remember.
 12
 13 BY MR. SHOEMAKER:
 14 Q. Did he mention the economy at all?
 15 A. I don't remember.
 16 Q. Do you remember Danny Carter and the
 17 sheriff having a conversation after that meeting where
 18 the sheriff mentioned the long train and the short
 19 train?
 20 MR. HUNN: Objection, form.
 21 You can answer.
 22 A. I think it was two things you're saying in
 23 that. I don't -- you're talking about this train, but
 24 they did have a conversation afterwards.
 25

1 BY MR. SHOEMAKER:

2 Q. Okay. And were you present for that
3 conversation?

4 A. Between the sheriff and Danny?

5 Q. Right.

6 A. When the sheriff and I left, I think Carter
7 came out and they started talking. So at that point,
8 because I thought it was a conversation between the
9 two, I stepped off to the side. So I didn't hear what
10 they were talking about.

11 Q. So you didn't hear what they said to each
12 other?

13 A. No.

14 Q. Were you present for any other conversation
15 where the sheriff and Danny Carter were having an
16 argument with each other?

17 MR. HUNN: Objection, form.

18 A. No. I don't -- that was the only time that
19 I have encountered those two.

20

21 BY MR. SHOEMAKER:

22 Q. Talking together?

23 A. Together.

24 Q. So just so the record is clear, that's the
25 only time that you've encountered those two talking

1 Q. Right. Right.

2 A. Courts, she might have been over there for
3 courts. This is corrections.

4 Q. Okay. Do the courts services have shift
5 changes?

6 A. I don't know.

7 Q. Well, they only work one shift, don't they?
8 They work during the day when the courts are open? I
9 guess they're there at night?

10 A. Sometimes things are going on at night when
11 they have to post a deputy late.

12 Q. And civil process, do they work one shift?

13 A. Yes, sir.

14 Q. I've talked to you about Carter and McCoy
15 being on Jim Adams' Facebook page. Did you ever hear
16 about David Dixon supporting Jim Adams for sheriff?

17 MR. HUNN: Objection to form.

18 A. I never did.

19

20 BY MR. SHOEMAKER:

21 Q. Did you ever hear about John Sandhofer
22 supporting Jim Adams for sheriff?

23 A. When?

24 Q. Any time prior to the election in 2009.

25 A. No.

1 together? Is that right?

2 A. Yes, sir.

3 Q. Was Colonel Bowden present when the sheriff
4 talked to the employees and mentioned the long train
5 and the short train?

6 MR. HUNN: Objection to form.

7 Mischaracterizes the evidence and testimony from this
8 witness.

9 MR. SHOEMAKER: I'm not -- I'm not going to
10 jam you up on your objections. I know you've got an
11 objection.

12 MR. HUNN: You can still answer.

13 MR. SHOEMAKER: I don't want coaching --
14 I'm concerned about --

15 MR. HUNN: It's an objection to form.

16 A. Me and the sheriff.

17

18 BY MR. SHOEMAKER:

19 Q. Just you and the sheriff. Colonel Bowden
20 wasn't there?

21 A. No.

22 Q. And Major Wells-Major wasn't there?

23 A. No, 'cause it was a correctional meeting.

24 Q. It was a shift change, wasn't it?

25 A. For corrections.

1 Q. Did Captain McGee work for you? Back in
2 2009.

3 A. I think he was over in court services.

4 Q. Have you ever worked on any committee that
5 supported any of the sheriff's reelection efforts? Not
6 just 2009 but any other reelection effort.

7 A. What kind of committees? I'm sorry.

8 Q. Have you ever served on any committee whose
9 purpose was to support Sheriff Roberts or any aspect of
10 his reelection efforts?

11 A. Democratic committee, if that's what you're
12 referring to.

13 Q. Is that the only committee you've served on
14 in support of Sheriff Roberts' reelection efforts?

15 A. Yes.

16 Q. Who else served on that committee? Did you
17 serve on that committee in 2009?

18 A. Just people within the city.

19 Q. Were any other members of the sheriff's
20 office serving with you on that committee?

21 A. On the Democratic committee?

22 Q. Yeah.

23 A. I think Colonel Bowden.

24 Q. Anyone else?

25 A. Eva Bland was out there.

1 Q. Eva Bland?
 2 A. Uh-huh.
 3 MR. HUNN: Is that a yes?
 4 THE DEPONENT: Yes.
 5 MR. HUNN: I'm sorry.
 6
 7 BY MR. SHOEMAKER:
 8 Q. Anyone else?
 9 A. That's it.
 10 Q. Did there ever come a time prior to
 11 election in 2009 when you learned that Bobby Bland was
 12 supporting Jim Adams for sheriff?
 13 A. I never knew that.
 14 Q. Do you remember learning about a cookout
 15 that was cohosted by Danny Carter and Ramona Larkin, or
 16 Rowena Larkin?
 17 A. Yes.
 18 Q. Okay. And when did you hear about that?
 19 A. I'm not sure. It was afterwards. I think
 20 McCoy told me.
 21 Q. It was after the picnic had occurred?
 22 A. Yes, sir.
 23 Q. And did you learn about that in early
 24 September of 2009? Does that sound about right?
 25 A. Could have been. I mean, the weather was

1 Danny Carter, at which Jim Adams attended --
 2 A. Uh-huh.
 3 Q. -- and she says that you said to her that
 4 does not, quote, "look good," end quote, is she
 5 definitely wrong about that, or do you just not
 6 remember whether you said that or not?
 7 MR. HUNN: Objection, form.
 8 Go ahead. You can answer.
 9 A. I think she's wrong because I don't recall
 10 it. I don't recall having this conversation with her.
 11
 12 BY MR. SHOEMAKER:
 13 Q. All right.
 14 A. I only remember it with McCoy.
 15 Q. All right. Is it possible you told McCoy
 16 that it does not, quote, "look good," end quote?
 17 MR. HUNN: Objection, form.
 18 You can answer.
 19 A. No, 'cause he approached me.
 20
 21 BY MR. SHOEMAKER:
 22 Q. Okay.
 23 A. I wouldn't have known about it. He came to
 24 me.
 25 Q. I know, but he approached you and you had a

1 warm so it could have been.
 2 Q. All right. And McCoy told you about the
 3 picnic?
 4 A. Uh-huh.
 5 Q. What did he tell you about it?
 6 A. I don't recall. He was kind -- just kind
 7 of told me it was -- they were having a cookout and he
 8 just wanted to let me know that -- who came, and that
 9 was about the extent that I can recall right now.
 10 'Cause it caught me off guard 'cause, you know, he just
 11 saw me and told me.
 12 Q. Did you subsequently learn that there were
 13 some pictures posted on line of that cookout?
 14 Did you ever learn that there were pictures
 15 of people at that cookout either on Facebook or on some
 16 other website page?
 17 A. Oh, I never knew that.
 18 Q. Did you ask Ramona Larkin who attended the
 19 cookout?
 20 A. No.
 21 Q. Did you ever talk to Ramona Larkin about
 22 the cookout at all?
 23 A. I don't believe so, no.
 24 Q. So if she says that she had a conversation
 25 with you about that cookout that she cohosted with

1 conversation about it, right?
 2 A. Right.
 3 Q. Did he tell you Adams was there?
 4 A. Yes.
 5 Q. And what else did he say to you?
 6 A. It's been so long ago. It was just a
 7 cookout. I think it was a shift cookout. Somebody was
 8 leaving. And it was a third piece to that, but I don't
 9 recall all -- all that it was about. And he said they
 10 asked him to cook. I think that's what he was there
 11 for. He had to go home and get a grill. Next thing I
 12 know, Colonel followed him.
 13 Q. Colonel followed who?
 14 A. McCoy. To the beach. I think that's where
 15 it was at, at the beach.
 16 Q. What do you mean, "Colonel followed him"?
 17 A. Colonel Adams. He was my colonel. I still
 18 call him Colonel.
 19 Q. All right. Is it possible you had a
 20 conversation with Ramona Larkin and you just don't
 21 remember it, sitting here?
 22 MR. HUNN: Objection, form.
 23 A. I don't recall ever having a conversation
 24 with her.
 25

1 BY MR. SHOEMAKER:

2 Q. Did you learn that she was one of the
3 cohosts of the cookout?

4 A. I didn't know it then. I still don't know
5 it now. 'Cause, again, all I remember, it was -- the
6 party was centered around three entities. I don't
7 remember --

8 Q. One of which was Ramona Larkin's birthday?

9 A. Okay.

10 Q. Does that ring a bell?

11 A. Could be. I'm just not sure. I remember
12 one of the deputies was leaving.

13 Q. Did you ever learn that Adams was invited
14 to the cookout -- to this cookout by Danny Carter?

15 A. I -- I don't know the specifics. I don't
16 have any knowledge of that.

17 Q. Did you discuss this cookout with anyone
18 else in the Hampton sheriff's office?

19 A. No.

20 Q. So if Ramona Larkin were to testify that
21 you told her that she should tell the sheriff that she
22 did not invite Jim Adams to that cookout, then she is
23 either mistaken or lying? Is that your position?

24 MR. HUNN: Objection to the form. Also
25 calls for speculation.

1 myself, maybe the captains.

2 Q. And the captains then, McGee was a captain
3 then?

4 A. I believe so, yes.

5 Q. Who were the other captains then that you
6 can remember? Was Glover a captain then?

7 A. No, he wasn't.

8 Q. Who -- what other captains -- Rich wasn't a
9 captain, was he?

10 A. No, Rich wasn't a captain.

11 Q. McGee was a captain then. Who else was a
12 captain then?

13 A. I think that was about it.

14 Q. So it would have been McGee, you, Colonel
15 Bowden, Major Wells-Major, and the sheriff?

16 A. Correct.

17 Q. All right. That is all I have, Major. I
18 appreciate your time this afternoon.

19 MR. HUNN: He'll read and sign.

20
21 (Signature not waived.)

22
23 (Whereupon, the deposition was
24 concluded at 3:46 p.m.)
25

1 A. I can't speak for her. I don't recall.
2 All I know is talking to McCoy.

3
4 BY MR. SHOEMAKER:

5 Q. Do you know why McCoy told you about the
6 cookout?

7 A. No. I mean, like I said, I guess I was his
8 supervisor and he just saw me and something -- again,
9 that cookout happened on Saturday. I guess he just
10 felt he needed to tell somebody. So he saw me and he
11 told me.

12 Q. Was McCoy concerned about the fact that Jim
13 Adams was there?

14 MR. HUNN: Objection, form.

15 A. I don't know. I can't answer that.

16 MR. SHOEMAKER: All right. Major, I'm
17 going to take a couple of minutes to review my notes,
18 but I'm pretty close to being done.

19
20 (Recess)

21
22 BY MR. SHOEMAKER:

23 Q. Back on the record. In December of 2009
24 who else would have attended senior staff meetings?

25 A. Sheriff, Colonel, maybe Wells-Major,

1 DEPOSITION ERRATA SHEET

2 Case Caption: Bland, et al. v. Roberts

3 Deponent: Kenneth Richardson

4 Deposition Date: October 12, 2011

5 I have read the entire transcript of my deposition
6 taken in the captioned matter or the same has been read
7 to me. I request that the following changes be entered
8 upon the record for the reasons indicated. I have
9 signed my name to the Errata Sheet and the appropriate
10 Certificate and request both to be attached to the
11 original transcript.

12 Page/Line Nos. Correction/Reason

13	
14	
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20	
21	
22	
23	

24 Signature: _____ Date: _____
Kenneth Richardson

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1 CERTIFICATE OF DEPONENT
 2 COMMONWEALTH OF VIRGINIA
 3 CITY OF _____
 4

5 Before me, this day, personally appeared Kenneth
 6 Richardson, who, being duly sworn, states that the
 7 foregoing transcript of this deposition, taken in the
 8 matter, on the date and at the place set out on the
 9 title page hereof, constitutes a true and complete
 10 transcript of said deposition.
 11

12 _____
 13 Kenneth Richardson
 14

15 SUBSCRIBED and SWORN to before me this _____
 16 day of _____, 2011, in the jurisdiction
 17 aforesaid.
 18
 19

20 _____
 21 My Commission Expires Notary Public
 22
 23
 24
 25

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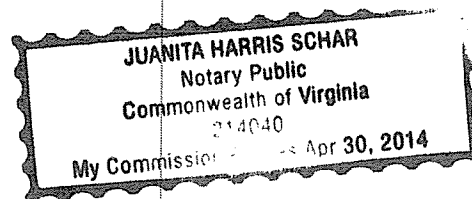
1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:
 2 I, Juanita Harris Schar, RMR, CCR, CRR, a
 3 Notary Public for the Commonwealth of Virginia at large,
 4 of qualification in the Circuit Court of the City of
 5 Virginia Beach, Virginia, and whose commission expires
 6 April 30, 2014, do hereby certify that the within named
 7 deponent, KENNETH RICHARDSON, appeared before me at
 8 Virginia Beach, Virginia, as hereinbefore set forth, and
 9 after being first duly sworn by me, was thereupon
 10 examined upon his oath by counsel for the respective
 11 parties; that such examination was recorded in Stenotype
 12 by me and reduced to computer printout under my
 13 direction; and that the foregoing constitutes a true,
 14 accurate, and complete transcript of such examination to
 15 the best of my ability.
 16

17 I further certify that I am not related to
 18 nor otherwise associated with any counsel or party to
 19 this proceeding, nor otherwise interested in the event
 20 thereof.
 21

22 Given under my hand and notarial seal this
 23 25th day of October, 2011, at Virginia Beach, Virginia.
 24
 25

13 _____
 14 Juanita Harris Schar
 15 Notary Public
 16
 17

18 Certified Court Reporter No. 0313085
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23 (Pages 86 to 87)